

TOWN OF GREENBURGH
PLANNING BOARD

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1. ROLL CALL
 2. ITEMS FOR DISCUSSION/HEARING

- a) Case No. PB 18-09
Hutch Tarrytown, LLC.
250 Tarrytown Road
P.O. Scarsdale, New York

3. ADJOURNMENT

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
May 2, 2018

B E F O R E:

HUGH SCHWARTZ, Chairman

KIRIT DESAI, Board Member
MICHAEL GOLDEN, Board Member
THOMAS HAY, Alternating Board Member

WALTER SIMON, Board Member (Chairman) (Not Present)
VIOLA TALIAFERROW, Board Member (Not Present)
CHET WATSON, Board Member (Not Present)
MOHAMED AYOUB, Board Member (Not Present)

ALSO PRESENT: AARON SCHMIDT,
Deputy Commissioner of Planning
DAVID R. FRIED, ESQ.
First Deputy Town Attorney

BARBARA MARCIANTE,
Official Senior Court Reporter

1 CHAIRMAN SCHWARTZ: Welcome to the Public Hearing
2 portion of tonight's Planning Board meeting. Aaron, could
3 you call the roll, please?

4 DEPUTY COMMISSIONER SCHMIDT: Yes. Kirit Desai?

5 BOARD MEMBER DESAI: Here.

6 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

7 CHAIRMAN SCHWARTZ: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Michael Golden?

9 BOARD MEMBER GOLDEN: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Tom Hay?

11 ALTERNATING VOTING MEMBER HAY: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Note for the record
13 that Board Members Walter Simon, Mohamed Ayoub, Chet Watson
14 and Viola Taliaferrow are not present this evening.

15 CHAIRMAN SCHWARTZ: It's kind of like a blue flu.
16 As a result, Tom Hay, our alternate, will be voting this
17 evening.

18 We have one item for Public Hearing tonight.
19 It's Planning Board 18-09, Hutch Tarrytown, LLC. Please
20 proceed.

21 MR. MARK WEINGARTEN: Good evening, Mr. Chairman,
22 members of the Board. My name is Mark Weingarten. I'm a
23 partner in the Law Firm of DelBello, Donnellan, Weingarten,
24 Wise & Wiederkehr. It's my pleasure to be here this
25 evening representing Hutch Tarrytown, LLC., an affiliate of

1 the Simone Development Company in connection with its
2 application for special permit and site plan approval to
3 redevelop its property at 250 Tarrytown Road to house a
4 state of the art Telsa customer education and vehicle
5 delivery center.

6 I'm joined tonight, and you will hear briefly
7 from Sylvia Brandi, who is the real estate manager of
8 Telsa, as well as James Caris, our engineer from JMC. I'm
9 also joined by my associate Annie Kline, in case we go
10 until midnight, she's here to come in and take over for me.

11 Just briefly, the property, as you know, is at
12 250 Tarrytown Road. It's just down the block here from
13 Town Hall. It's the northwest corner of Tarrytown Road and
14 Hillside Avenue.

15 The existing property is 2.16 acres and it's the
16 former Joyce Leslie site. The zoning for the property is
17 UR, Urban Renewal District. The current building on the
18 site is 24,016 square feet, which we're not disturbing. It
19 has 120 parking spaces. Again, that's what will remain
20 when the project is completed.

21 Telsa, and you'll hear in a moment from Sylvia,
22 is a worldwide leader, as I'm sure you're all aware,
23 environmental sustainability with a 100 percent electric
24 vehicle fleet. The cars are really something special. Its
25 customer base is growing. It's needs space for its

1 customers to come pick up their cars and learn how to use
2 them.

3 Let me just briefly take you through the
4 application that is before you. As we mentioned, we're
5 seeking a special permit. It's pursuant to the newly
6 created Section 285.35(c)(1) of your Zoning Ordinance for
7 motor vehicle sales. And it will permit the conversion of
8 the now vacant space to a Telsa local customer delivery and
9 education center.

10 We are in full compliance with all the general
11 and specific standards required in the requested special
12 permit. Our application contains a point by point
13 description of how we meet each criteria. And, of course,
14 we're available to discuss any of those criteria if the
15 Board has any specific questions.

16 The text of the local law, the negative
17 declaration which supports it, as well as the resolution of
18 the Town Board adopting the local law, all state that the
19 amendment to Section 285.35 of the Zoning Ordinance to
20 allow motor vehicle sales, uses and motor vehicle sales
21 lots as a special use of the Urban Renewal District is
22 consistent with the Town's Comprehensive Plan. We
23 discussed that last time at the work session.

24 We also mentioned that we're seeking a site plan
25 approval in addition to the special permit. There is no

1 change to the footprint of the building. There is no
2 change to the parking.

3 We're simply doing interior renovations, facade
4 renovations, new signage and two overhead doors are being
5 installed in the rear of the building. We also have a new
6 landscaping plan in response to the discussion that we had
7 a couple of weeks ago with you.

8 So at this point, if I might, I'm going to turn
9 it over to Sylvia Brandi, who will give you a brief
10 description from Telsa as to what is going to go on inside
11 the building. And then Jim will take you through the site
12 plan and then we will open it up. Thank you.

13 MS. SYLVIA BRANDI: Good evening. Thank you for
14 having me. I'm Sylvia Brandi, I'm with Tesla, as Mark has
15 stated. If you want to go ahead and go to one of those
16 slides with our actual layout. We have a floor plan there.

17 DEPUTY COMMISSIONER SCHMIDT: I do.

18 MS. SYLVIA BRANDI: So as you are probably all
19 aware, Tesla is a manufacturer of vehicles. And we have
20 all of our vehicles, when you actually go and purchase the
21 vehicles, we're not a traditional dealership where you
22 actually walk on to the lot. You purchase the vehicle and
23 then you drive off with that car at that time.

24 So you actually go and you purchase your vehicle,
25 which is not happening at this location. It would happen

1 at our other surrounding locations. And you would actually
2 purchase your vehicle. You would essentially design the
3 vehicle and the vehicle gets manufactured for you and then
4 shipped off to where ever you're located.

5 So if you are here in the White Plains or in the
6 New York Metro area, you would be potentially picking up
7 your vehicle at this location and you would learn the
8 vehicle. You would have an orientation on the vehicle
9 itself.

10 So we're calling this as market stated. It's our
11 education. It's a delivery hut, is what we call it
12 internally. So that is what is going to be happening on
13 site here. If you start probably -- do you have another
14 plan that's -- do you have different plan than this one?

15 MR. JAMES CARIS: No, this is the plan.

16 MS. SYLVIA BRANDI: There we go, okay.

17 DEPUTY COMMISSIONER SCHMIDT: Do you want me to
18 zoom in further?

19 MS. SYLVIA BRANDI: Yeah. I'm sorry, I'm trying
20 to orient myself to what's on the screen right now. Yeah,
21 okay. You can just go, that's okay. This isn't -- this
22 isn't the most recent, but cars are going to be entering
23 into these doors on the side of the property.

24 As they enter into these doors, we call it a PDI.
25 So this area, what is going to happen in here, it will all

1 be internal, getting the cars, essentially the vehicle prep
2 area. So it's going to be where your car would get
3 detailed, washed and it will be in pristine condition.

4 As you go ahead and exit out to the right of the
5 property, the cars will be sitting and aligned in here and
6 it will be driven off the lot. These are all internal,
7 these offices, things like that that are in here, there's
8 restrooms and so forth. So this is where the customers
9 will sit down with the vehicle and, you know, they'll
10 learn, do an overview.

11 Because the vehicle itself, because it's not a
12 traditional combustion engine. There is a lot of
13 orientation and training that has to go into it. I own a
14 vehicle and I tell you there's still things today that
15 amaze me because there are things that I went through this
16 training. It's you kind of learn as you go.

17 The orientation takes can take several hours.
18 But nobody has the attention span to really sit there for
19 that long. So you actually go through -- your customers
20 are here for about 45 minutes or so, maybe an hour.

21 The meetings are set up. They are all on a
22 reservation basis. You'll be here with a group for about
23 45 minutes to an hour. And then they'll have waves of
24 customers coming and picking up their new vehicles and then
25 driving off the lot. So that's essentially what we are

1 going to be doing at the site.

2 DEPUTY TOWN ATTORNEY FRIED: What is the maximum
3 that you would have for these classes, orientations?

4 MS. SYLVIA BRANDI: Potentially up to 12 to 14 at
5 one time.

6 BOARD MEMBER DESAI: And so all the cars will be
7 there and 12 cars will be there inside?

8 MS. SYLVIA BRANDI: Correct. Everything, all the
9 operations are going to happen inside.

10 BOARD MEMBER DESAI: Is the space big enough for
11 12 cars?

12 MS. SYLVIA BRANDI: I'm sorry?

13 DEPUTY TOWN ATTORNEY FRIED: Is the space big
14 enough for 12 cars?

15 MS. SYLVIA BRANDI: Yeah. There is another
16 slide. So I think this is, yeah.

17 DEPUTY COMMISSIONER SCHMIDT: This is it?

18 MS. SYLVIA BRANDI: Yeah, there we go. That's
19 what I was like I'm confused because there is no space for
20 the cars to go. So the cars are going from that other door
21 into this area, or it's not really a door, I guess it's the
22 driveway that we were just talking about.

23 ALTERNATING VOTING MEMBER HAY: So the plan is
24 cut in half?

25 MS. SYLVIA BRANDI: Yeah, I'm sorry. I was

1 confused with the plans. I didn't understand it. So if
2 you go back one side, it could help. Okay, so this is
3 where the PDI is, the car comes through here and then if
4 you go to the other slide.

5 BOARD MEMBER DESAI: Okay.

6 MS. SYLVIA BRANDI: Then they come into here. So
7 this is, if you can zoom in. This is essentially where,
8 each of these little these rectangles are essentially where
9 the cars will be displayed.

10 And this is where, so whatever the number is
11 there, I think it's 12, yeah. So that would be the max
12 that we have on site at any given time.

13 MR. JAMES CARIS: Good evening, James Caris with
14 JMC. Aaron, if you can go to the landscaping plan, please?

15 DEPUTY COMMISSIONER SCHMIDT: Sure.

16 MR. JAMES CARIS: As was mentioned, there is a
17 very minor site plan component to this special permit
18 application. There is mention that there is the
19 installation of some overhead doors. There will be some
20 concrete ramps to facilitate vehicles, ingressing and
21 egressing out of the building.

22 There is also the installation of three super
23 charging locations along the rear of the property in this
24 location here to accommodate vehicles upon delivery. We're
25 also upgrading the handicapped spaces. We're consolidating

1 all of those six spaces on the main entrance of the
2 building here.

3 And finally, we are modifying the concrete island
4 here to facilitate vehicle ingress and egress and
5 circulation throughout the site.

6 So that's just a brief overview of the site plan
7 components of the application. At our previous work
8 session, the Board asked for more information on a few
9 items.

10 The first being the location of a perpetual
11 easement on file on the property. This is shown now on
12 this plan. You can see here in this grey-shaded area along
13 Hillside Avenue wrapping around the corner with Tarrytown
14 Road. It is in no way -- in no way does the site plan
15 incumber that easement. None of the parking is located on
16 it. It consists of mostly landscaping, existing sidewalks.
17 So that's on the plan for clarification.

18 The other thing that was mentioned by the Board
19 was the condition of the rear of the property, specifically
20 with regard to the condition of the fence and existing
21 landscaping. So what we did is we provided the Board with
22 some photographs, both looking into the site from McLean
23 Avenue and looking out of the site from the rear of
24 building.

25 We also provided a landscaping inventory of the

1 rear of the property. And in doing so, we realized that
2 there were a few opportunities to fill in some gaps there.

3 So what you are looking at on the screen this
4 evening is a proposed landscaping plan where the
5 light-shaded trees and shrubs are existing. And then the
6 darker circles denote proposed landscaping, proposing a mix
7 of Evergreen plantings, including an Eastern Red Cedar and
8 an American Holly Bush.

9 So we're specifying those to be installed at a
10 planting high of eight to 10 feet. So they should peak
11 over the existing six-foot high, green-chained link fence
12 to provide a nice esthetic enhancement, not only for our
13 property, but for the adjacent properties on McLean Avenue.

14 DEPUTY COMMISSIONER SCHMIDT: I have looked at
15 that plan and it meets the Town Forestry Officer's
16 satisfaction, particularly with respect to species and
17 height.

18 BOARD MEMBER DESAI: My only concern, I was at
19 the site, the green fence itself looks pretty ugly,
20 considering that you're going to spend money. And for
21 Tesla, it's kind of, you know, the garden edge and all that
22 stuff, it looks pretty. I mean it's colorful.

23 I don't know whether you have visited the site,
24 but that I think would be, if you are grading the whole
25 property and the whole thing and putting up all the

1 landscaping, then putting it against that -- in the picture
2 it looks pretty. The plastic slat chain-linked fence, kind
3 of needs to be, I guess at least needs to be redone. So
4 you don't have a plastic slat.

5 MR. MARK WEINGARTEN: It has just recently been
6 redone. It was redone when they redid the renovations of
7 the facility. So I happen to drive by it. You may not
8 like the look, but it's certainly, it's in good shape and
9 it's full and et cetera.

10 BOARD MEMBER DESAI: I understand. I understand.

11 MR. MARK WEINGARTEN: So my question is, no, but
12 there is two elements to what you're saying. One, I would
13 suggest that it is in good shape. It's a fairly new fence.
14 What is it that you are suggesting would be preferable?

15 BOARD MEMBER DESAI: Take out the slats so it
16 becomes more transparent.

17 MR. MARK WEINGARTEN: So you would prefer to have
18 it as a chain-linked without the slats?

19 BOARD MEMBER DESAI: As minimal, I mean if you
20 can get upgraded to some of the nice fence that we've seen
21 on other projects, a better modern scheme, they are really
22 nice, nice fence around that property on 9A.

23 MR. MARK WEINGARTEN: So something like a wood
24 fence?

25 BOARD MEMBER DESAI: No, metal. I mean you need

1 for security, you need a metal fence. So you can look at
2 it. Pepe Motors.

3 DEPUTY COMMISSIONER SCHMIDT: I think Pepe did an
4 aluminum style, black aluminum style fence, just for your
5 own information.

6 MR. MARK WEINGARTEN: I can certainly recommend
7 it to the client. They can go take a look and price it
8 out. It's not something that --

9 BOARD MEMBER DESAI: No, I understand. It's not
10 required.

11 MR. MARK WEINGARTEN: It's not something I can
12 say yes to tonight, but it's clearly it's something we
13 would consider.

14 BOARD MEMBER DESAI: No, no, but that's my
15 suggestion.

16 DEPUTY TOWN ATTORNEY FRIED: There is also the
17 potential, I know that there are people out and there may
18 be neighbors there who may want to comment also since that
19 would be their view. And so that's a possibility as well.

20 DEPUTY COMMISSIONER SCHMIDT: The only comment I
21 have for the Board with respect to that, is if you go to
22 something that's visually that you can see through, you
23 know, limit some of that screening to the
24 adjacent residential neighborhood.

25 CHAIRMAN SCHWARTZ: I think it's worse.

1 Truthfully, I mean, the fence looks to me to be in very
2 good condition. I'm not even sure honestly whether
3 putting -- what the benefit necessarily is with some of the
4 landscaping you did because it's in the back of the
5 building, I don't know who is ever going to see it.

6 BOARD MEMBER DESAI: That's my concern.

7 CHAIRMAN SCHWARTZ: It would almost be better if
8 it was on the other side of the fence than on that side of
9 the fence. What I would like to do --

10 MR. MARK WEINGARTEN: That's not our property.

11 BOARD MEMBER DESAI: I understand.

12 CHAIRMAN SCHWARTZ: The other sides, it's sort of
13 termed that way --

14 DEPUTY COMMISSIONER SCHMIDT: Correct. Correct.

15 CHAIRMAN SCHWARTZ: What you can possibly do for
16 everyone to like the fence -- I would like to hear from the
17 community as to how they feel about that before we go any
18 further on that, if that's possible.

19 MR. MARK WEINGARTEN: Okay.

20 CHAIRMAN SCHWARTZ: Anybody from the community
21 that would like to speak on this project? Please come up.

22 DEPUTY COMMISSIONER SCHMIDT: Please come up.

23 CHAIRMAN SCHWARTZ: The lady in the back first
24 and then you.

25 MS. ROSYLN THOMPSON: I need to come forward?

1 CHAIRMAN SCHWARTZ: Yes, come to the microphone,
2 please.

3 DEPUTY COMMISSIONER SCHMIDT: Yes, come up to the
4 mic.

5 DEPUTY TOWN ATTORNEY FRIED: We just ask that you
6 state your name and your address, so that you can go on
7 right from the mic over there.

8 MS. ROSYLN THOMPSON: My name is Roslyn Thompson.

9 CHAIRMAN SCHWARTZ: At the microphone, please.

10 MS. ROSYLN THOMPSON: My name is Roslyn Thompson.

11 DEPUTY TOWN ATTORNEY FRIED: Ms. Thompson, if you
12 can speak -- you can put it down a little bit, and speak
13 louder because it's coming out on television.

14 MS. ROSYLN THOMPSON: I'm sorry.

15 DEPUTY TOWN ATTORNEY FRIED: That's all right.

16 CHAIRMAN SCHWARTZ: That's perfect.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you.

18 MS. ROSYLN THOMPSON: Roslyn Thompson. And I
19 live on Hillside Avenue directly across from that lot. And
20 my concern is only there is children, my son is here with
21 me, that kind of play and there is a school across the
22 street.

23 My concern is safety as far as test driving the
24 cars. Because right at that intersection, there's been
25 several accidents without this dealership already. And I'm

1 just concerned for safety for people and also for the kids
2 that cross the street, with their bikes.

3 My son ride his bike sometime and I'm just a
4 little nervous of if someone takes these cars on test
5 drives, what could possibly happen.

6 DEPUTY TOWN ATTORNEY FRIED: Well, for
7 clarification, when you say there are accidents, could you,
8 is it at Tarrytown Road or --

9 MS. ROSYLN THOMPSON: Right at the intersection
10 on Hillside. Since I lived there, which is over three or
11 four years, there have been at least five accidents.

12 DEPUTY TOWN ATTORNEY FRIED: On Hillside and
13 Tarrytown where Hillside and the school --

14 MS. ROSYLN THOMPSON: Yes.

15 DEPUTY TOWN ATTORNEY FRIED: And --

16 MS. ROSYLN THOMPSON: And McLean.

17 DEPUTY TOWN ATTORNEY FRIED: And McLean.

18 MS. ROSYLN THOMPSON: Hillside and McLean, right
19 where the school is.

20 DEPUTY TOWN ATTORNEY FRIED: The accident took
21 place on Hillside and McLean or Hillside and Tarrytown or
22 are you talking about both places?

23 MS. ROSYLN THOMPSON: Both side and McLean. I've
24 heard of other accidents, but where we live, directly
25 across the street from the dealership, there's been several

1 accidents.

2 CHAIRMAN SCHWARTZ: First of all, this is not a
3 dealership.

4 MS. ROSYLN THOMPSON: And someone just crashed
5 into our home -- I'm sorry?

6 CHAIRMAN SCHWARTZ: This is not a dealership,
7 just so you know. I'll have the representative from Telsa
8 come up and explain again what it is. It's not a
9 dealership. It's not. What it is --

10 MS. ROSYLN THOMPSON: Okay, test driving or?

11 DEPUTY TOWN ATTORNEY FRIED: They'll be able to
12 explain.

13 CHAIRMAN SCHWARTZ: They'll all explain it to
14 you.

15 DEPUTY TOWN ATTORNEY FRIED: We will wait until,
16 for all the comments.

17 CHAIRMAN SCHWARTZ: Do you have other comments,
18 please direct them --

19 DEPUTY TOWN ATTORNEY FRIED: We will go through
20 all the comments.

21 MS. ROSYLN THOMPSON: Just the safety with the
22 children, the school directly, their safety. I'm a nurse
23 so I'm always thinking safe, safe, safe. And my son, like
24 I said, plays on that block and stuff. So that's my number
25 one thing, to be honest.

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1 DEPUTY COMMISSIONER SCHMIDT: Okay, thank you.

2 DEPUTY TOWN ATTORNEY FRIED: Thank you.

3 CHAIRMAN SCHWARTZ: Thank you very much.

4 DEPUTY TOWN ATTORNEY FRIED: Sir?

5 CHAIRMAN SCHWARTZ: Why don't we hear from --

6 DEPUTY COMMISSIONER SCHMIDT: We have another
7 one. Thank you.

8 MR. SLY MUSILLI: How are you this evening. My
9 name is Sly Musilli. I don't live in the neighborhood. I
10 don't know if that matters. But I do run a business right
11 across the street from the property. I own La Manda's
12 restaurant.

13 So I just have a couple of questions. Do you
14 want specifics about this fence or did you want any
15 comments about --

16 CHAIRMAN SCHWARTZ: Whatever you want.

17 DEPUTY COMMISSIONER SCHMIDT: Whatever your
18 comments are.

19 DEPUTY TOWN ATTORNEY FRIED: Have all your
20 comments specified about the project.

21 MR. SLY MUSILLI: All right. Well, first and
22 foremost, I'm all for it in a general sense, because the
23 building has been empty for awhile now and I think it would
24 be good for the neighborhood to have something in there. I
25 do have a couple of questions. Am I allowed to ask?

1 ALTERNATING VOTING MEMBER HAY: Yes.

2 DEPUTY COMMISSIONER SCHMIDT: Direct them --

3 CHAIRMAN SCHWARTZ: Direct them to us and then we
4 will have them --

5 MR. SLY MUSILLI: Okay. Are they taking over the
6 entire building?

7 DEPUTY TOWN ATTORNEY FRIED: Actually, yes.

8 MR. SLY MUSILLI: So the deli, the mattress
9 place, that will all be Tesla?

10 DEPUTY COMMISSIONER SCHMIDT: Yes, correct.

11 MR. SLY MUSILLI: So my biggest, if there is a
12 concern for me, my biggest concern is, as usual, parking.
13 120 spots sounds like a lot. 12 cars, did you say inside?
14 So my question is, my first question would be, are you
15 planning on parking other vehicles that are not being
16 delivered as part of those 12 on the property?

17 BOARD MEMBER DESAI: Okay.

18 MR. SLY MUSILLI: And if that's a no, then it
19 would imply that there would be no more than really those
20 14, 15 deliveries of whatever cars that are going to happen
21 at any given time, parking there.

22 CHAIRMAN SCHWARTZ: Plus customers.

23 DEPUTY COMMISSIONER SCHMIDT: Customers and
24 employee.

25 CHAIRMAN SCHWARTZ: Customers an employees.

1 DEPUTY TOWN ATTORNEY FRIED: Yes.

2 MR. SLY MUSILLI: Well, the 14, the customers
3 would be those 14 people in training.

4 CHAIRMAN SCHWARTZ: 14 cars inside, they got to
5 get there somehow. They be driven by 14 other people, plus
6 you have the employees.

7 MR. SLY MUSILLI: Right. I'm not worried about
8 the cars inside because if they are inside, they are
9 inside. What I'm asking is, so if there are 14 cars
10 inside, 14 people are buying them, they come in two cars,
11 that's 28 people, plus employees.

12 DEPUTY COMMISSIONER SCHMIDT: Right.

13 DEPUTY TOWN ATTORNEY FRIED: Right.

14 MR. SLY MUSILLI: So I would imagine that we are
15 not anywhere in the neighborhood of 120.

16 DEPUTY COMMISSIONER SCHMIDT: Correct.

17 DEPUTY TOWN ATTORNEY FRIED: That sounds right,
18 but we will let the applicant address that.

19 MR. SLY MUSILLI: Again, I'm just voicing what
20 would be a possible concern.

21 DEPUTY TOWN ATTORNEY FRIED: Correct.

22 MR. SLY MUSILLI: Now, if they are planning on
23 parking other cars there, that they might some be
24 delivering tomorrow or later today or whatever, is that
25 going to fill up the 120 spots?

1 CHAIRMAN SCHWARTZ: They will explain the whole
2 thing.

3 BOARD MEMBER GOLDEN: Is your concern that
4 they'll park in your parking lot? What is your concern?

5 MR. SLY MUSILLI: No, everybody else in the
6 neighborhood does that already. So I'm not worried about
7 them. I'm sure they'll have plenty of parking.

8 My concern is that if those spots are going to be
9 full or relatively full, and now employees have to park on
10 the street, you know, it has been over the years, at least
11 for us, you know, we maintain our two lots. We've always
12 had parking for our customers and street parking has always
13 been integral to our business.

14 You know, next door when all of that got
15 subdivided, many stores opened and there was really no
16 parking provided for any of those stores. So I'm
17 constantly battling, you know, I try to be nice about it
18 with everyone.

19 The neighbors' stores are having their customers,
20 not that they are doing it on purpose, but when their
21 customers are using my lots, it's an issue for me.

22 I'm a restaurant. People pull up, they see a
23 full parking lot. They say oh, they're busy, let's go
24 somewhere else. It's become a bit of an issue for me.

25 DEPUTY TOWN ATTORNEY FRIED: So your concern, I

1 think, is that they max out their spaces there and then
2 they are parking along the street as well?

3 MR. SLY MUSILLI: Right, which, the street is the
4 street, I have no domain over that street.

5 BOARD MEMBER GOLDEN: No, no, it's a fair.

6 CHAIRMAN SCHWARTZ: It's a fair concern.

7 MR. SLY MUSILLI: I'm just trying to get a visual
8 here on, you know --

9 DEPUTY TOWN ATTORNEY FRIED: We will have the
10 applicant address that.

11 MR. SLY MUSILLI: That was really it. If that's
12 the concern, that's the concern. If I may comment?

13 DEPUTY COMMISSIONER SCHMIDT: Sure.

14 MR. SLY MUSILLI: Totally a modern company,
15 environmentally sound and, you know. They, if I would
16 imagine, from my business perspective, that if they are
17 going to do something, they are going to do it right. And
18 if I may ask what an average Telsa car costs?

19 DEPUTY TOWN ATTORNEY FRIED: You can ask that.
20 That's up to them to answer.

21 MR. SLY MUSILLI: I've done some research. It's
22 a good number. So from a business perspective, to have
23 people of that kind of means coming to the neighborhood,
24 visiting the place where they are going to see other
25 stores, Prisco Appliance, La Manda's Restaurant.

1 As a business owner in the neighborhood, I'm all
2 for this. I can't imagine they are going to deal with an
3 ugly fence.

4 If there is a fence behind the building, they'll
5 fix it. And if it's, you know, I'm sure they'll do
6 whatever they have to do because they are trying to get
7 this done.

8 You know, this has been a long I've heard this
9 rumor. So as a business owner in the neighborhood, as long
10 as parking is not going to be an issue, I'm all for it.
11 Let's get that property up and running again and let's get
12 more people on 119. Let's get them paying taxes, too. Why
13 not. Those are my comments.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

15 CHAIRMAN SCHWARTZ: Sir.

16 MR. PATRICK SCHMIDT: Hi, how are you doing.

17 DEPUTY COMMISSIONER SCHMIDT: How are you doing.
18 Your name?

19 MR. PATRICK SCHMIDT: My name is Patrick Schmidt
20 and I live at 20 Hillside. What about the deliveries when
21 you guys delivering cars? Is it night, daytime, with all
22 the noise and stuff going on in that area?

23 DEPUTY COMMISSIONER SCHMIDT: We will have them
24 address that.

25 CHAIRMAN SCHWARTZ: We will have the applicant

1 answer that question that for you.

2 MR. PATRICK SCHMIDT: Because I know, I've been
3 there for over 12 years and it's a busy area.

4 CHAIRMAN SCHWARTZ: Okay.

5 MR. PATRICK SCHMIDT: And the more stuff coming
6 in at night --

7 CHAIRMAN SCHWARTZ: Where is your house relative
8 to the property?

9 MR. PATRICK SCHMIDT: Inside of McLean, right
10 behind it.

11 CHAIRMAN SCHWARTZ: Right behind it?

12 MR. PATRICK SCHMIDT: Yes, sir. So I'm very --

13 DEPUTY TOWN ATTORNEY FRIED: Want to ask him
14 about the fence.

15 CHAIRMAN SCHWARTZ: What do you think of that
16 fence? You might as well, you're up there. You're going
17 to see the fence.

18 MR. PATRICK SCHMIDT: That fence been there for
19 years. It's the same fence been there for years. But a
20 neighborhood should be quiet and livable. If there is all
21 this tractor trailer coming in and all that stuff.

22 I drive tractor trailer, I know the noise they
23 make and all that stuff so. I'm concerned about that
24 stuff, too.

25 CHAIRMAN SCHWARTZ: Okay.

1 DEPUTY COMMISSIONER SCHMIDT: Thank you.

2 CHAIRMAN SCHWARTZ: Thank you very much. Any
3 other comments from the public?

4 MR. SLY MUSILLI: I do have a follow up I just
5 thought of. I'm sorry.

6 CHAIRMAN SCHWARTZ: Sure.

7 MR. SLY MUSILLI: In terms of tractor trailers --

8 DEPUTY COMMISSIONER SCHMIDT: Come up.

9 DEPUTY TOWN ATTORNEY FRIED: Please come up to
10 the mic.

11 MR. SLY MUSILLI: I'm sorry. Now that I think
12 about it, does that plan accommodate tractor trailers going
13 into the area to make the deliveries or will they be
14 pulling up on 119 as do other places and back their trucks
15 off to them going into the parking lot?

16 DEPUTY TOWN ATTORNEY FRIED: Our understanding is
17 it will be on site, but again, we will have the
18 applicant --

19 DEPUTY COMMISSIONER SCHMIDT: I projected the
20 plan on the overhead.

21 MR. SLY MUSILLI: Okay. I'm sorry, thank you.

22 CHAIRMAN SCHWARTZ: If the applicant can come
23 up -- are there any more questions from the public? No?
24 Okay. So we have the parking --

25 MR. MARK WEINGARTEN: I got it.

1 CHAIRMAN SCHWARTZ: You have it all?

2 MR. MARK WEINGARTEN: I think so, I hope.

3 CHAIRMAN SCHWARTZ: Okay, great.

4 MR. MARK WEINGARTEN: You can correct me, if I'm
5 incorrect. Mark Weingarten again for the applicant. To
6 Ms. Thompson's question on the issue of safety. First of
7 all, we want to point out that there will be less traffic
8 with this use than has been there in the past.

9 This is not a dealership. This is a place where
10 the cars are delivered to the site and specifically people
11 are going to come, pick up their car. There is no test
12 driving or anything of that nature.

13 You get a computer lesson. You get a lesson in
14 your vehicle. And then you drive off, and you leave.

15 There will be less cars coming in and out of the
16 site significantly than are coming to the deli -- that were
17 coming into the deli all these years or Joyce Leslie all
18 these years. We will also go through in a moment why there
19 is less -- need for less parking as well.

20 So from the standpoint of how many cars will be
21 entering and exiting the site, there will be significantly
22 less traffic than has been the case on the site for a long
23 period of time.

24 Of course, if there are any issues having to do
25 with safety, as far as entry, exit, you know, we would

1 expect that the Town, in reviewing this, would go through,
2 you know, the light signals. All of that has been looked
3 at by our traffic engineers when we went through this.

4 And there has been no suggestion that there is
5 any necessity for a change there from our particular site.
6 There may be issues that exist currently having to do with
7 those sides on McLean in leading to accidents, but that
8 would not be in any way impacted on what we're doing.

9 CHAIRMAN SCHWARTZ: Where are the curb cuts,
10 Mark?

11 MR. MARK WEINGARTEN: In the same place they are
12 now. So we can, Jim, do you want to point them out?

13 CHAIRMAN SCHWARTZ: Which is where?

14 MR. MARK WEINGARTEN: I think what you wind up is
15 you have issues, that curb cut that you'll see over on
16 Hillside lines up -- there's kind of an uncontrolled access
17 where there is a car wash and a gas station across Hillside
18 on the other side of the street.

19 The cars coming in and out, trying to make right
20 turns, left turns. There's cars going in and out all the
21 time. If there is an issue, I would think that's probably
22 where it is. But it's on the other side, not ours.

23 DEPUTY COMMISSIONER SCHMIDT: I can note, as this
24 Board knows, but note for the public, that there was an
25 approved project for that site, the gas station and car

1 wash site. There's some improvements that were approved as
2 part of that site with respect to traffic, curb cuts and
3 traffic access through that site.

4 So hopefully if they move forward with that
5 project, they'll be some improvements that will make things
6 safer with respect to those various curb cuts along the gas
7 station and car wash property.

8 MR. MARK WEINGARTEN: But with regard to our
9 particular site, if you are coming on Hillside towards our
10 property, it's a right turn into the site. So which is
11 not, there is no particularly dangerous aspect towards
12 that.

13 And again, if you're coming from White Plains,
14 again you're going through the intersection, making a
15 right. You wouldn't be going to Hillside. You'd be making
16 a right turn off of 119 where there is another access. We
17 think it's pretty safe, frankly.

18 CHAIRMAN SCHWARTZ: Okay.

19 MR. MARK WEINGARTEN: And again, if you were
20 coming in another direction, making a left, you would go no
21 where near Hillside and McLean. It's just not somewhere
22 that our cars will be traveling.

23 To the owner or operator of La Manda's, I want to
24 say that I love it and I've been going there for years and
25 so have most of the members of the Metropolis Country Club

1 around the corner. I think they have been your customers
2 for many years.

3 As far as the entire building, yes, we are
4 utilizing the entire building. They need the entire site.
5 In fact, there is another piece of property that is going
6 to be subject to an application before this Board for a
7 repair facility on another section of Greenburgh because
8 they need enough area to be able to have this.

9 But the fact is we are over parked. We went
10 through this with you the last time when we did the work
11 session. There will be at the maximum peak time, there
12 will be no more than 50, 60 cars being delivered or will
13 be on property at any one time.

14 So in other words, forgetting the fact that we
15 even have room for 12 of them inside. If we used all of
16 the parking spaces, it would be 50 to 60 housing brand new
17 cars waiting for the customer to come in. We have 12 to 14
18 employees at any one time, at a maximum.

19 So that brings you to, if you use the 60 number
20 with the 14, that's 74. And then if you have customers
21 coming in, being dropped off, if they were parking there,
22 12 to 14 of them, maybe we have a maximum use of 90 at any
23 one time at our peak. So we would have no problem. A 120
24 spaces is well in excess of what we need.

25 With regard to tractor trailers, we showed you

1 the last time, it is absolutely on site. There is room and
2 it's designed for the tractor trailer to come on site,
3 deliver the cars on site and to come off site. There will
4 be nothing along Route 119.

5 MR. SLY MUSILLI: Is that what that is?

6 MR. MARK WEINGARTEN: Yes, there it is. It's
7 right, it's on the overhead. So that is a tractor trailer
8 and that is the route. And as you'll see, when those
9 deliveries are occurring, those parking spaces on the
10 left-hand side will be out of use. But again, we don't
11 need them and we went through that with the Board.

12 So with regard to truck -- parking and tractor
13 trailers, I think we have good answers for that. With
14 respect to Mr. Schmidt's question with regard to
15 deliveries, there are only, approximately, at most, 15
16 deliveries per week. So two or three a day at maximum.

17 None of the deliveries will be before 9:00 in the
18 morning because they come from -- it's only Tesla that's
19 being delivered. It's coming from their place. They have
20 to drive through. There is nobody there.

21 So there is no overnight. They all happen during
22 the day. And again, it will be at maximum two or three of
23 those on any one particular day.

24 So I think you'll find it to be a much less
25 impactful use than the other stores that were there that

1 had trucks coming in and out during the day. They may not
2 have been tractor trailer, but they were large trucks.

3 There were food trucks that were coming in,
4 whether it was the pizza place or the Joyce Leslie or the
5 deli that they were coming in and out of. So we think when
6 the study was done and the Town looked at it, that we have
7 a much lesser impact with regard to traffic in all aspects
8 in the existing use.

9 I think, Mr. Chairman, that's all the questions.

10 DEPUTY TOWN ATTORNEY FRIED: There was one other
11 question from the last time. I know you were dying to
12 answer or to get back to us on the aspect of the
13 possible universal -- you're smiling, you know what I'm
14 saying, the universal chargers. I know you wanted to give
15 us the answer.

16 MR. MARK WEINGARTEN: If you insist. The
17 chargers are there only for the cars that are being sold
18 for the public. They are not there for any other purpose.
19 We are not inviting the public of any kind onto the site.

20 And if I have to, I will go to the analogy of
21 having been here before you in the past with Coca Cola
22 bottling. And I wouldn't put a Pepsi, you know, I wouldn't
23 put a Pepsi machine or be expected to do that here.

24 This is a Telsa facility. It's going to be for
25 Telsa cars. It's not even intended for other Telsa

1 vehicles to come on the site and charge.

2 I guess in theory, we wouldn't tell them to leave
3 if they came. But the purpose of those chargers is simply
4 for the cars that are being sold to the public on the
5 property, delivered.

6 BOARD MEMBER DESAI: But the chargers are on the
7 parking area?

8 MR. MARK WEINGARTEN: Yes, because that's where
9 we will be servicing the cars. Again, inside is where
10 people will be picking them up. That will be if the cars
11 need to be charged, you know, as they are sitting there,
12 they would be brought to the back and they would be
13 charged.

14 DEPUTY COMMISSIONER SCHMIDT: So there wouldn't
15 be any chargers inside?

16 MS. SYLVIA BRANDI: At this point in time, I
17 don't think so because we have the two only in the rear of
18 the property. But those would be just for the vehicles --

19 DEPUTY TOWN ATTORNEY FRIED: And so the chargers
20 are not even going to be in the front, they'll be in the
21 rear?

22 MS. SYLVIA BRANDI: In the rear.

23 MR. MARK WEINGARTEN: That is correct.

24 BOARD MEMBER DESAI: Do they show them on the
25 site map?

1 MR. MARK WEINGARTEN: Yes.

2 DEPUTY COMMISSIONER SCHMIDT: Yes.

3 MR. JAMES CARIS: Yes. If you go back to the
4 first drawing.

5 DEPUTY COMMISSIONER SCHMIDT: You can even see
6 them on this.

7 ALTERNATING VOTING MEMBER HAY: But they are not
8 intended to be public chargers, is what you're saying?

9 MS. SYLVIA BRANDI: Correct.

10 MR. MARK WEINGARTEN: They are just to charge the
11 cars that are being picked up by the new owners.

12 BOARD MEMBER DESAI: That's fine. Can I -- my
13 main concern is the fence.

14 MR. MARK WEINGARTEN: Is the fence.

15 BOARD MEMBER DESAI: And I think it's considering
16 the work class company so don't we have --

17 MR. MARK WEINGARTEN: We would be willing --

18 BOARD MEMBER DESAI: Look into it.

19 MR. MARK WEINGARTEN: We would be willing to
20 accept the condition to where the determination of the
21 Planning Commissioner, however you want to put it, that we
22 would work to design a more esthetic fence. We would not
23 have an objection to it.

24 BOARD MEMBER DESAI: Sure, sure. Good.

25 CHAIRMAN SCHWARTZ: Are there any comments from

1 the public or the Board at this point? All right. I'll
2 entertain a motion to close the Public Hearing. Keep the
3 record open until --

4 DEPUTY COMMISSIONER SCHMIDT: May 9th.

5 BOARD MEMBER GOLDEN: So moved.

6 CHAIRMAN SCHWARTZ: Do I hear a second?

7 ALTERNATING VOTING MEMBER HAY: Second.

8 CHAIRMAN SCHWARTZ: All in favor? Aye.

9 BOARD MEMBER DESAI: Aye.

10 BOARD MEMBER GOLDEN: Aye.

11 ALTERNATING VOTING MEMBER HAY: Aye.

12 BOARD MEMBER DESAI: SEQRA?

13 CHAIRMAN SCHWARTZ: We weren't going to do SEQRA.

14 We will do SEQRA --

15 DEPUTY TOWN ATTORNEY FRIED: The next time.

16 CHAIRMAN SCHWARTZ: -- next time. We will do
17 SEQRA when we do the decision.

18 MR. MARK WEINGARTEN: Thank you very much. I
19 appreciate your time.

20 CHAIRMAN SCHWARTZ: I make a motion to close the
21 Public Hearing portion of tonight's meeting.

22 ALTERNATING VOTING MEMBER HAY: So moved.

23 BOARD MEMBER DESAI: Second.

24 CHAIRMAN SCHWARTZ: All in favor? Aye.

25 BOARD MEMBER DESAI: Aye.

1 BOARD MEMBER GOLDEN: Aye.

2 ALTERNATING VOTING MEMBER HAY: Aye.

3 (Whereupon, the Public Hearing session was concluded.)

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8 C E R T I F I C A T I O N

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11 Certified to be a true and accurate transcript
12 of the stenographic minutes of proceedings taken by the
13 undersigned, to the best of her ability.

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17 Barbara Marcianti,
18 Official Court Reporter
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